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ABSTRACT

This paper explores some of the ways in which professionals inadvertently or deliberately abuse children and perpetuate child abuse: (1) harassment and rejection of children by school personnel, leading to truancy or dropping out; (2) treatment of psychological disturbances which do not warrant outside help: (3) the pressures from teachers, parents, or psychologists obsessed by marks or by IQ scores and achievement tests; (4) continued use of various forms of discipline; (5) the deleterious consequences of labelling children in special education; (6) the harmful consequences of extreme forms of children's rights legislation; and (7) court punishment of abused children by removing them from their homes without considering the child's feelings or the adequacy of the foster homes in which they are placed. It is argued that children have the moral and legal right to be considered persons. (ED)

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THE PROFESSIONAL'S ROLE AND PERSPECTIVES ON CHILD ABUSE

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There is a tendency to consider the eigth amendment pertaining to cruel and unusual punishment as forms of corporal punishment inflicted on children by adults, such as parents or guardians, institutional staff, school personnel, etc.. While professionals generally desire to help children, professionals inadvertently abuse children in ways which tend to be overlooked at the expense of the more extreme forms. Some of the ways in which professionals inadvertently or deliberately abuse children and perpetuate child abuse, an aspect of "cruel and unusual" punishment will be explored. While much of the material can be applied in principle to all individuals working with children, the emphasis will be in the educational area because most of the waking hours of children are devoted to school or school related activities.

The Children's Defense Fund (1974) did an extensive study on children who are not in school. Of particular relevance to child abuse, are children who are harassed and rejected by school personnel to the extent that education becomes so intolerable that they may react by truanting or dropping out. These rejected children include, for example, migrant children, pregnant girls or unwed mothers, children labeled as "troublemakers" by some teachers, those not expected to achieve academically and as a consequence are not given attention or helped to learn, children who are so poor that they have few clothes and no money for school activities, and members of minority groups in desegregated schools who are more or less pushed out (Children's Defense Fund, 1974). It may be observed that

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children and their parents have been encouraged to withdraw through counselling, and as a consequence, are pushed out of school through a counselling process designed to "help" children. Psychologists are frequently placed in a conflict between the best interests of the child and an educational system, including administrative policies of the facility which often take priority.

There are instances where it is necessary to seek expert help from outside sources for children in the school. However, there is a risk that psychologically sophisticated teachers and school psychologists could seek expert help from outside sources without considering the possibility of what Mays referred to as "pseudo-maladjustment (Mays, 1973, p. 45) where a child avoids issues so as not to face the challenge of demands placed on him for more difficult assignments which give him less time for recreation. As a consequence, teachers and parents might encourage this "pseudo-maladjustment by trying to treat it. It is important to recognize that at some point, practically all children reflect textbook symptoms of psychological disturbances without being disturbed enough to necessitate outside help.

The pressures of teachers and parents obsessed by marks or psychologists by I.Q. scores and achievement tests often produce irritability, fatigue, psychosomatic disorders, and rivalry between classmates. "Many schools divide the students into separate groups based on ability or postgraduate career plans, thereby setting up social-class rivalries based on rank and status (Haney and Zimbardo, 1975, p. 106). Competition is often encouraged because it helps children increase their school performance. However, in competition, one's victory is at the expense of another's defeat, often accompanied by humiliation and a fear of failure. As a consequence, students are more concerned with competing for grades than with

the subject matter to be learned and go through school without really learning. The mental health of those working with children is important and emotional problems can have harmful consequences on the student. For example, power hungry teachers belittle their students, sadistic teachers are physically and verbally cruel, and some teachers unconsciously manipulate students to serve their own needs, etc.. It was reported that a teacher in Columbus, Ohio was so sarcastic and hostile to a student that the girl faked stomach aches to stay home, fell behind in her work, and then refused to go to school (Brenton, 1971). It is difficult to deal decisively with teachers, school psychologists, and other school personnel largely because of tenure protecting them and organizations who fight for the rights of professionals. There is also a tendency for school administrators and public officials to assume a "don't rock the boat" attitude with the consequence of encouraging and perpetuating child abuse. An alternative perspective based on enlightenment recognizes that the health of the professional is basic to professional effectiveness and more important than technique which is ordinairly stressed. It is important for those working with children to be aware of their own motivations and "hang-ups," and to be open to opportunities for growth as individuals.

Child abuse is an extreme form of discipline, but in the final analysis, discipline is discipline regardless of degree. For purposes of maintaining the social structure, including the institutions of society, various forms of discipline are accepted and practiced. Discipline policies in school are arbitrary and not many school districts have clear, written policies governing their disciplinary actions. A number of incidents have been reported where corporal punishment is still being used (Maurer (Ed.), 1975). New Jersey and Massachusetts are the only

states which have laws prohibiting corporal punishment (Haney and Zimbardo, 1975). Some schools give students a choice between suspension, corporal punishment, or detention (Children's Defense Fund, 1974). Discipline is one of the manifestations of a desire to be psychologically secure. Since discipline guarantees a result, the desired result is more important than the means used to attain it. In the use of discipline to obtain a particular result, the system often becomes more important than the human beings in it and discipline then becomes a substitute for or an erroneous conception of love. Rewards and punishment are aspects of discipline and part of traditional child rearing practices. The individual is bribed into "right" action by rewards and is instilled with fear of and actual punishment if violations occur. The reward or punishment then often becomes more important than actions. A perspective involving rewards and punishment assumes that such a system of discipline is a means to an end whereby the individual will eventually "act right" for its own value without any ulterior motivations or expectations. This is difficult and practically impossible, particularly in view of the process of conditioning. An alternative perspective does not seek immediate results, but is primarily concerned with explaining and encouraging consideration for others including harmonious action without inducements or threats. It is recognized that the means are more important in determing the result, rather than the result being more important than the means in the more or less traditional perspectives.

Children are often inadvertently abused through programs designed to help them. The general field of special education including special services was developed to provide opportunities for those children who

deviated from "normal" children to help them attain their maximum potential. The perspective of special class placement is based on the traditional medical model which assumes that by finding out what is "wrong" with an individual, corrective measures including treatment can then be undertaken. Children are placed in special education by finding out what is "wrong" through diagnosis and treatment in the form of remediation by special class placement or special services. The deleterious consequences of labeling children in special education is well known and has been dealt with extensively (i.e. Combs and Harper, 1967; Dunn, 1969; Jones, 1972; Macmillan, Jones, and Aloia, 1974; Mercer, 1972; Riscalla, 1974). Ideally one objective in special education is to eventually return the child to the regular classroom setting. However, too often "special education children" remain in special class placement through their school careers. An enlightened perspective is concerned primarily with the uniqueness of each individual rather than the majority of students; and recognizes that not every child can benefit from a traditional sitting-in-class being taught by a teacher. Children are described as individuals and understood in the context of their own lived, here and now world. There is evidence of enlightened school programs in school systems throughout the country. A number of school districts have developed new schools or programs to serve as alternatives for those children who do not respond to traditional methods of education. These alternatives include for example, work-study programs where students in vocational programs can earn some money while completing their education and have the possibility of employment following graduation. The Metropolitan Youth Education Center in Denver has an alternative program for senior high school students and classes are held all year, both day and evening so that students can have a flexible schedule (cited in Children's Defense Fund, 1974). Richland County School Number

One in South Carolina has been operating a Walk-In School since September, 1972 and has no failures or formal schedule (cited in Children's Defense Fund, 1974). Special education in most instances by definition and philosophy can be carried out in a regular classroom (Siegal, 1969). Severely handicapped children, such as those with epilepsy (Tenny and Lennox, 1962), Blind (Gray, 1962), and mentally retarded (Blackman and Sparks, 1965) have been intentionally enrolled in classes with nonhandicapped children. It has been mandated that handicapped children participate in Head Start (Cohen, 1975), thus integrating handicapped with nonhandicapped children. Courts are requiring "least restrictive" placements of handicapped children where the primary concern is to place a child in the most normal setting (Russo, 1974).

Children's rights legislation protecting the rights of children can have harmful consequences, particularly if the legislation is carried to extreme forms. Teachers or school administrators have had judicial, executive, and legislative powers. Haney and Zimbardo (1975) reported similarities between high schools and prisons. "As in the country's prisons, America's schools give their guards or teachers almost absolute authority over the student inmates (Haney and Zimbardo, 1975, p. 26)." Children are now entitled to due process in the school system. The complexity and length of the procedure of due process present difficulties in application to a school setting and if "applied rigorously in school, the educational organization would probably come to a halt (Duffee, 1974, p. 57)." With suspensions, the Supreme Court only provided "minimum" due process, as the student before suspension is not constitutionally entitled to have a lawyer, cannot call on his own witnesses to testify, or cross examine witnesses. Due process poses a dilemma in that

suspensions are often given to discipline unruly students in order to protect the rights of other students and school property, and at the same time to protect the rights of each individual child. There is a problem in balancing the rights of the states to have meaningful, peaceful schools and concurrently in protecting the constitutional rights of children. "For all its vagueness, disjointedness and seeming contradictions, the 'minimum' due process requirement for students which the Supreme Court now has laid down in Goss vs. Lopez must somehow be made to work. If this turns out to be impossible (and the odds seem ominously in favor of such an outcome) the cure perscribed in a future ruling is likely to be more painful than the disease (Nolte, 1975, p. 49)." The rights of children are often at the expense of the rights of parents, teachers, and institutions which generate a considerable amount of resistence and ways of finding legislative loopholes. Children with little or no respect for others are often protected by the law and manipulate over zealous child advocates which could perpetuate delinquency. It often happens that enlightened parents, teachers, and other professionals concerned with children are abused in the process.

The courts have acted to remove children who have been neglected or abused from their homes. However, the child frequently "goes from the frying pan into the fire" by being placed in inadequate foster homes where children encounter neglect, abuse, or overcrowded institutional facilities including group homes. For example, both of Karen's parents were alcoholic and she was abused and neglected to such an extent that she was placed in a number of foster homes. In one of the foster homes she became pregnant by her appointed guardian necessitating removal from the home and placement in a diagnostic center for evaluation and recommendation for placement. Karen maintained that she wanted to be

reunited with her mother in spite of the fact that her mother had previously abused and neglected her. It may be observed that children often perceive removal from the home as a further punishment, and have difficulty understanding the real reason for their removal. They also display a considerable amount of loyalty and devotion to their parents, regardless of their mistreatment, and have the belief that it is they who are "bad." "Efforts made to 'save' the child from his bad surroundings and to give him new standards are commonly of no avail, since it is to his own parents who, for good or ill, he values and with whom he is identified (Bowlby, 1965, p. 80)." The human element can be disabling and interfere with decisions rendered in behalf of children, including the judicial process. For example, Burt (1972) indicated that the desire of the judge to "punish the parents and remove their child when he believes that they have acted (and in fact they have acted) hurtfully toward the child, can be as much or more a product of the judge's unconscious identification in the transaction as his reasoned response that this individual child will best be helped by removal from these particular parents (Burt, 1972, p. 98)." Children's rights are determined in the adversary system by enforcing some of the rights of parents engaged in conflict which treats children as property (Freed, 1972) and can, in principle, pertain to all instances of child abuse and neglect.

There are circumstances where a parent takes a child to court for incorrigibility or files a complaint as a desperate, last resort measure to seek and obtain help for the child. The child is now entitled to due process including representation by an attorney. As a consequence, the adversary position of parents and children is increased which often results

in a further breakdown of family relationships where everyone, including the child is abused.

The vagueness of much of the legislation and difficulty in application or enforcement in the final analysis is due to a belief in working individually or together toward some ideal or future goal. Individuals are then shaped according to beliefs in what should be and as a consequence, the ideal or future goal becomes more important than the individual in the context of his lived in world with all of his complexities. There is also a gap between the present and future in which many factors exert an influence and are often ignored or overlooked by a primary focus on endeavoring to bring about what should be. The alternative is a broader perspective based on understanding an individual or set of circumstances in his or her present context without preconceived ideas as to the "should be"ideals and goals; and to respond on the basis of what is. (Freed (1972) and Foster (cited in Freed, 1972) in the area of family law have been instrumental in encouraging an alternative perspective toward children. Foster (cited in Freed, 1972) indicated a perspective of children with the moral and legal right to be considered as persons. "As persons, children have individual interests apart from-and sometimes in conflict with-parental or societal interests. Children are entitled to assert these interests and to have them heard and considered by any authority rendering a decision on them (Freed, 1972, p. 36)." Pertinent evidence is frequently not permitted, overlooked, or not included for purposes of "winning a case" or to gain some advantage in an adversary system. From the alternative perspective, Freed (1972) advised an approach where "...it is the duty of the court to admit all relevant

evidence bearing upon the actual psychological and physical welfare of the child and to base the decision upon such evidence. Independent counsel for the child should be permitted to participate in the hearing with the same rights as counsel for the parents (Freed, 1972, p. 38)." As a consequence, the child is perceived as a unique person and recognized in his own rights.

Institutions such as schools, the legal system, government, etc. are, in the final alalysis, composed of people and exert a powerful influence over the lives of others. Individuals with an enlightened perspective have the constructively critical skills and values necessary to resist and overcome with positive alternatives, the manipulation and dehumanization that takes place within the institutions of society. It is therefore hoped that in the process of evolution without revolution, there will be no need to legislate or specify that children are persons, for it will be assumed as a matter of fact. What is best for the child will then take place as a means to an end based on a perspective of children as persons, and will therefore be beneficial. "People who are awake to realities, aware of their inner selves, and accurately informed of their environment can best contribute to the social, moral, and political reforms vital for an enlightened society (Riscalla, 1971, p. 131)."

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